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INTELLECTUAL PROPERTY LAW601 SW SECOND AVENUE, # 1900  
PORTLAND, OREGON 97204TEL: 503.425.6800  
FAX: 503.425.6801  
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**Byron S. Kuzara****COMPANY:**  
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November 9, 2004**FAX NUMBER:**  
703-872-9306**TOTAL NO. OF PAGES:**  
3**RE:**  
Serial No. 10/620,837**OUR REFERENCE NO.:**  
005127.85919*If you do not receive all page(s) or have any problems receiving this transmission, please call:***NAME:** Lesa Wolman**PHONE:** 503-425-6800**COMMENTS:**

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I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at telephone number (703) 872-9306 on November 9, 2004.

Respectfully submitted,

  
By: Byron S. Kuzma  
Registration Number 51,255  
Banner & Witcoff, Ltd.

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<i>In re</i> Application of	)	
	)	
John F. SWIGART, et al.	)	Group Art Unit: 3728
	)	
Serial Number 10/620,837	)	Examiner: Patterson, M.
	)	
Filed: July 16, 2003	)	Docket Number 005127.85919
	)	
For: FOOTWEAR WITH A SOLE STRUCTURE	)	
INCORPORATING A LOBED FLUID-	)	
FILLED BLADDER	)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

In response to the Restriction Requirement of October 20, 2004, Applicants elect Species II, which relates to Figures 8-15. This election is made without traverse. Applicants submit that each of claims 1-4, 6-25, 27-41, and 44-71 is readable upon the figures relating to Species II. In addition, Applicants withdraw claims 5, 26, and 42-43 from further consideration, but respectfully request that these withdrawn claims be considered should a generic claim to which they relate be allowed. Accordingly, the Applicants respectfully await an examination on the merits of claims 1-4, 6-25, 27-41, and 44-71.

This Response is being timely filed by virtue of its facsimile transmission on November 9, 2004. Should additional fees or an extension of time be deemed necessary for consideration of

this Response, such fees or extension are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fee.

Respectfully submitted,

By:   
Byron S. Kuzara  
Registration No. 51,255

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Telephone: (202) 824-3000

Dated: November 9, 2004